

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BIOVAIL LABORATORIES INTERNATIONAL SRL)
a corporation of Barbados,)

Plaintiff,)

v.)

ANDRX PHARMACEUTICALS, LLC and)
ANDRX CORPORATION,)

Defendants.)

C.A. No. 05-586
(KAJ)

**DECLARATION OF MATTHEW C. MARLOWE IN SUPPORT OF ANDRX'S
MOTION TO CONSOLIDATE BIOVAIL'S TWO SEPARATE ACTIONS ALLEGING
INFRINGEMENT OF THE SAME PATENT AGAINST THE SAME ANDRX
DEFENDANTS**

I, Matthew C. Marlowe, declare as follows:

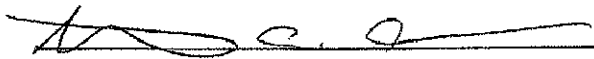
1. I am an attorney and a member of the law firm Foley & Lardner LLP, counsel for Andrx Pharmaceuticals, LLC, and Andrx Corporation (collectively "Andrx").
2. My business address is 3000 K St. N.W., Suite 500, Washington, DC 20007.
3. I make this declaration in support of Andrx's Motion to Consolidate Biovail's Two Separate Actions Alleging Infringement of the Same Patent Against the Same Andrx Defendants.
4. Attached as Exhibit A is a true and correct copy of the Complaint filed in Civil Action No. 05-730, served on October 14, 2005.

5. Attached as Exhibit B is a true and correct copy of a facsimile sent from Preston K. Ratliff II to Steven A. Maddox, dated November 29, 2005.

6. Attached as Exhibit C is a true and correct copy of Andrx's Response to Biovail's First Set of Requests for Documents and Things, served December 7, 2005.

7. Attached as Exhibit D is a true copy and correct copy of a facsimile sent from Preston K. Ratliff II to Steven A. Maddox, dated December 7, 2005.

I swear under penalty of perjury that the foregoing is true and correct.



Matthew C. Marlowe

12/19/2005

Date